

# Exhibit P



Gabe Anderson &lt;gabe@consovoymccarthy.com&gt;

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**SFFA v. Naval Academy**

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**Thomas McCarthy** <tom@consovoymccarthy.com>

Thu, Mar 28, 2024 at 11:11 PM

To: "Yang, Catherine M (CIV)" &lt;Catherine.M.Yang@usdoj.gov&gt;

Cc: "Gardner, Joshua E (CIV)" &lt;Joshua.E.Gardner@usdoj.gov&gt;, Michael Connolly &lt;mike@consovoymccarthy.com&gt;, Patrick Strawbridge &lt;patrick@consovoymccarthy.com&gt;, Cam Norris &lt;cam@consovoymccarthy.com&gt;, Gabe Anderson &lt;gabe@consovoymccarthy.com&gt;, Bryan Weir &lt;bryan@consovoymccarthy.com&gt;, James Hasson &lt;james@consovoymccarthy.com&gt;, "Mendez, Chris E. (CIV)" &lt;Chris.E.Mendez@usdoj.gov&gt;, "Gargeya, Medha (CIV)" &lt;Medha.Gargeya@usdoj.gov&gt;, "Carmichael, Andrew E. (CIV)" &lt;Andrew.E.Carmichael@usdoj.gov&gt;, "Robinson, John J. (CIV)" &lt;John.J.Robinson@usdoj.gov&gt;

Good evening Catherine.

Thanks for your letter.

We appreciate your providing us with the corrected 2023 NASS file in place of the previous ones. As I mentioned this morning, our experts have identified similar issues with regard to other data files.

In addition to the mislabeled 2023 NASS file that you kindly replaced, our experts have found additional files that are mislabeled and/or duplicated. As the below image illustrates, Defendants sent us four sets of documents: "Recs Part 2a (English\_Math)" for 2023 and 2024, and "Recs Part 2b (English\_Math)" for 2023 and 2024. Unfortunately, the data in those files are *only* from 2023—there's nothing from 2024.

The 2024 files contain the same data as the 2023 files. As you can see from the file size on the right-hand-side of the below photo, the top light-blue-colored file called "2023 - Recs Part 2a (English\_Math)" and the file directly below it titled, "2024 - Recs Part 2a (English\_Math)" both have the same file size, which is unusual and suggestive of a duplicate set of data. Comparing the two files confirms they contain the same data.



The same is true of the next set of files—the documents titled, “2023 - Recs Part 2b (English\_Math)” and “2024 - Recs Part 2b (English\_Math).” Both contain the same 2023 data. We thus need the 2024 data and would appreciate it if you could provide us with it.

Our experts are continuing to review the data to see whether additional fields are needed. On that point, we find your claim about the data fields concerning. In your March 26 email, you seem to suggest that we agreed to limit production to “the Application, Nominations, and Test tabs, plus the BART and Slate data.” But the letter you cite for that proposition—your March 1 letter—simply said that it was your aspiration that the above materials “reflec[t] the total universe of the Naval Academy’s production.” As we have worked with you regarding admissions data, we have always reserved the right to seek additional fields if we find them relevant.

Best,  
Tom

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On Tue, Mar 26, 2024 at 5:52 PM Yang, Catherine M (CIV) <[Catherine.M.Yang@usdoj.gov](mailto:Catherine.M.Yang@usdoj.gov)> wrote:

Tom,

In addition to my Friday message about data fields that you have already received, and in response to your request that we look into the fields in #2, I can confirm that the Oracle files you already have contain Academic Summary and Overall Recommendation, both of which contain data and are not empty. The Academy is investigating the other three fields you identified. I have also loaded to Box a corrected file for 2023 NASS Recommendations. [REDACTED]

As discussed on Friday, after your experts have gone through the data already provided, please reach out if they request additional fields at that point. We will consider additional requests under the Rule 26 standard but should note our understanding, reflected in our March 1 letter, that your previous request for the data fields in the Application, Nominations, and Test tabs, plus the BART and Slate data, reflected the total universe of the Academy’s production of admissions data in this case.

Best,  
Catherine